

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

**CHARLES GREGG-EL,
Plaintiff,**

Civil Action No. 7:16-cv-00038

v.

ORDER

**JOHN DOE, et al.,
Defendants.**

**By: Hon. Joel C. Hoppe
United States Magistrate Judge**

This matter is before the court upon plaintiff's motion for appointment of counsel in this civil rights action, pursuant to 42 U.S.C. § 1983. The court cannot require an attorney to represent an indigent civil plaintiff. See Mallard v. United States D. for S. Dist. of Iowa, 490 U.S. 296, 309 (1989). However, the court may request that an attorney represent an indigent plaintiff when "exceptional circumstances" exist. Cook v. Bounds, 518 F.2d 779, 780 (4th Cir. 1975). Exceptional circumstances depend on the type and complexity of the case and the ability of the plaintiff to present it. Whisenant v. Yuam, 739 F.2d 160, 163 (4th Cir. 1984), abrogated on other grounds by Mallard, 490 U.S. at 309. This case is scheduled for a bench trial, and the nature of plaintiff's remaining claim is not complex. Accordingly, the court finds that plaintiff's circumstances are not sufficiently exceptional to justify appointment of counsel, and it is hereby **ORDERED** that plaintiff's motion for appointment of counsel, ECF No. 68, is **DENIED without prejudice**.

The Clerk shall send a certified copy of this Order to the parties.

ENTER: This 10th day of July, 2019.

/s/ Joel C. Hoppe
United States Magistrate Judge